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FILING DATE

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09/060,343

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LEFTWICH

J

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EXAMINER

WM01/0523

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ART UNIT

PAPER NUMBER

2611

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16  
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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/060,343

Applicant(s)

LEFTWICH, JIM

Examiner

Ngoc K. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 January 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-12, 14-21 and 24-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-12, 14-21 and 24-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

***Continued Prosecution Application***

1. The request filed on March 02, 2001 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/060,343 is acceptable and a CPA has been established. An action on the CPA follows.

***Inventorship***

2. In view of the papers filed 1/8/01, the inventorship in this non-provisional application has been changed by the deletion of name "Jim Leftwich" to "James J. Leftwich " as requested by applicant in paper # 15.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of the file jacket and PTO PALM data to reflect the inventorship as corrected.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-4, 6-12, 14-21 and 24-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Watts et al (US 5,671,411).

Regarding claims 1, 2, 9, 10 and 17, Watts discloses a method and apparatus for managing program listings comprises a memory storing a database available program listing comprising a plurality of program/event entries, a memory storing a first filter and a memory storing a second filter; utilizing the first and second filters for select the first and second subset of programs (first filtering includes a list of criteria from Sunday to

Saturday in criteria Day of Week, and second filtering includes a list criteria such as News, Movie..etc..in criteria Special Criteria, for instance); a processor which selects the first subset of programs according to the first filter and the second subset of programs according to the second filter to generate an schedule guide displaying program listings (generates the list and shows it on display area 46 when user clicks on update list after completing the selection) included in the first subset and the second subset. Further regarding claims 9 and 17, wherein some of the programs in the first subset are different from the programs of the second subset, some of the programs in the second subset are different from the programs of the first subset (for instance, some programs are News and Movie in Special Criteria scheduled on Tuesday in Day of Week criteria) - (col. 1, lines 25-32; col. 2, lines 43-45; col. 3, lines 28-40; col. 4, lines 21-45).

Regarding claim 3 and 11, Watts discloses that at least some of the programs of the first subset are the same as at least some of the program of the second subset (for instance, some programs of news of Special Criteria are included in Tuesday schedule of Day of Week criteria); generate an EPG displaying program included in both first and second subsets (FIG. 2, 4; col. 4, lines 8-39).

Regarding claims 4 and 12, Watts discloses creating a filter utilizing of list of programs in the program database (col. 1, lines 35-39).

Claim 6 and 14 merely require the listing under Tuesday in FIG. 2 to "intersect" or overlap in some manner the total entries in the database used to populate the EGP. Clearly, the listing under any sub-criteria of Day of Week would "intersect" the total programs in the database since they are clearly a subset of the total programs in the database.

Regarding claims 28-29, Watts discloses the first and second lists of program/event entries is not provided with the program listings (col. 3, lines 29-39)

Claims 7 and 15 follow from the discussion with respect to claims 6 and 14, the programs identified under Tuesday are a "proper subset" of the total programs in the database since one can filter the database using the Day of Week and get a listing of the "proper" day therein.

Regarding claims 18 and 19, Watts discloses the EPG included all of the programs in first subset and all of the programs included in the second subset, wherein at least some of the programs in the first and second subsets are the same, wherein the first and second lists of program/event entries intersect. The listing under Tuesday in FIG. 2 to "intersect" or overlap in some manner the total entries in the database used to populate the EPG. Clearly, the listing under any sub-criteria of Day of Week would "intersect" the total programs in the database since they are clearly a subset of the total programs in the database (FIG. 2, col. 4, lines 46-65).

Regarding claim 26, Watts discloses the filters are editable filters (search criteria is selected and dragged into the second portion 42 as Your Selection) (col. 4, lines 8-21).

Regarding claims 20-21, Watts discloses an interactive filter selective mechanism of available program listings, comprising a database of available program listings comprising a plurality of program/event entries; a plurality of program/event sources (stations include all the available calling codes of the television stations broadcast); utilizing the first and second filters for select the first and second subset of programs (first filtering includes a list of criteria from Sunday to Saturday in criteria Day of Week, and second filtering includes a list criteria such as News, Movie..etc..in criteria

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Special Criteria, for instance); a processor which selects the first subset of programs according to the first filter and the second subset of programs according to the second filter to generate an schedule guide displaying program listings (generates the list and shows it on display area 46 when user clicks on update list after completing the selection) included in the first subset and the second subset.

Regarding claim 27, Watts discloses the filters are editable filters (search criteria is selected and dragged into the second portion 42 as Your Selection) (col. 4, lines 8-21).

Regarding claim 31, Watts discloses the first and second lists of program/event entries is not provided with the program listings (col. 3, lines 29-39).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bruett et al teaches a method and apparatus for generating television program guides with category selection overlay. Schein et al teaches a method and apparatus for searching a guide using program characteristics. Anderson et al teaches a method and apparatus for organizing and searching an EPG. Legall et al teaches an integrated search of EPG internet and other information resources.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-308-6306 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

NV  
May 21, 2001



ANDREW FAILE  
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